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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,375	07/06/2004	Jason Wells	45508.0100	4374
20322	7590	10/03/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050928

DATE MAILED:

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Commissioner for Patents

Office Action Summary	Application No. 10/710,375	Applicant(s) WELLS, JASON	
	Examiner Dalena Tran	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-38 are pending.

The prior art submitted on 7/6/04 has been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 25, and 30, are rejected under 35 U.S.C. 102(b) as being anticipated by Brodsky (5,654,615).

As per claim 1, Brodsky discloses a system for automatically operating automatic power systems of an unattended automobile comprising: a damaging element detection sensor for detecting damaging elements contacting a surface of automobile (see column 2, lines 1-32; and column 4, lines 24-61), an automatic power system control unit for operating automatic power system (see column 4, lines 5-23), and a processor in communication with damaging element detection sensor and automatic power system (see columns 4-5, lines 62-30).

As per claim 2, Brodsky discloses automatic power system is one of an automatic power roof system and an automatic power windows system (see column 1, lines 6-19).

As per claims 3-4, Brodsky discloses wherein damaging element detection sensor is configured to provide a first damaging element detection reference signal to processor, first damaging element detection signal representative of a first damaging element detection

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level detected by damaging element detection sensor, and wherein processor is to receive first damaging element detection reference signal and generate a first control signal, processor configured to provide first control signal to automatic power system control unit (see column 5, lines 31-53).

As per claims 5-6, Brodsky discloses wherein automatic power system controlling the positioning of at least one of automatic power roof system and automatic control unit further comprises a motor for power windows system, automatic power system control unit further configured to provide a motor in response to first motor control signal to first control signal, and motor is bi-directional (see column 4, lines 5-23).

As per claim 7, Brodsky discloses wherein motor is responsive to adjust the position of at least one of automatic power roof system and automatic power windows system in response to first control signal (see column 5, lines 31-53).

Claims 25, and 30, are method claims corresponding to system claim 1 above. Therefore, they are rejected for the same rationales set forth as above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 10-13, 22-24, and 26-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodsky (5,654,615) in view of Ito et al. (6,426,604).

As per claim 8, Brodsky does not disclose a second damaging element detection reference signal. However, Ito et al. disclose wherein damaging element detection sensor is further configured to provide a second damaging element detection reference signal to processor (see columns 4-5, lines 45-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky by combining a second damaging element detection reference signal for carefully detect all the obstruction elements caught in the power controlling device of the vehicle.

As per claim 10, Brodsky does not disclose a timer in communication with processor. However, Ito et al. disclose a timer in communication with processor, timer configured to receive first and second damaging element detection reference signals and provide a damaging element detection duration signal indicative of the time duration difference between first and second damaging element detection reference signals (see column 6, lines 22-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky by combining a timer in communication with processor to estimate the time the obstruction is present, therefore to stop operate the power control system to prevent any further damage cause by the obstruction elements.

As per claim 11, Ito et al. disclose wherein processor is further configured to receive damaging element detection duration signal detection duration signal and compare damaging element detection duration signal to at least one predetermined reference signal, at least one predetermined reference signal being a damaging element detection duration data stored in database, damaging element detection duration data representative of the duration during which

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no damaging element detection is detected by damaging element detection sensor (see columns 6-7, lines 46-67).

Also, as per claim 12, Ito et al. disclose wherein processor is configured to provide a second control signal in response to comparison of damaging element detection duration signal and predetermined damaging element detection duration data (see column 8, lines 1-52).

As per claim 13, Brodsky does not disclose to provide second control signal to automatic power system control unit. However, Ito et al. disclose wherein processor is configured to provide second control signal to automatic power system control unit, automatic power system control unit further configured to provide a second motor control signal to motor in response to second control signal, motor configured to control the positioning of at least one of automatic power roof system and automatic power windows system in response to second motor control signal (see columns 1-2, lines 50-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky by combining processor is configured to provide second control signal to automatic power system control unit for controlling electric motor in case of an obstruction is caught in the rotation of the power control system.

As per claims 22-23, Brodsky does not disclose an obstruction sensor. However, Ito et al. disclose an obstruction sensor, obstruction sensor configured to provide a first obstruction present signal to processor, first obstruction present signal indicative of an obstruction impeding the operation of automatic power system, wherein obstruction sensor is one of a power level sensor, an angular position sensor and, a rotation sensor (see the abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach

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of Brodsky by combining an obstruction sensor to detect the elements caught in a lowering of a rotational speed of the power control system in the vehicle.

Also, as per claim 24, Ito et al. disclose wherein processor is configured to provide a first obstruction present control signal to automatic power system control unit in response to first obstruction present signal, automatic power system control to provide a unit further configured motor cease operation signal to motor in response to first obstruction present control signal, motor configured to control the positioning of at least one of automatic power roof system and automatic power windows system in response to first obstruction present signal (see columns 8-9, lines 53-49).

Claims 25-27, are method claims corresponding to system claims 10-11 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 28, and 29, are method claims corresponding to system claims 22, and 14 above. Therefore, they are rejected for the same rationales set forth as above.

6. Claims 9, and 14-15, are rejected under 35 U.S.C.103(a) as being unpatentable over Brodsky (5,654,615), and Ito et al. (6,426,604) as applied to claim 8 above, and further in view of Lu et al. (5,539,290).

As per claim 9, Brodsky, and Ito et al. do not disclose a database in communication with processor to store at least one predetermined reference signal. However, Lu et al. disclose a database in communication with said processor, database configured to store at least one predetermined reference signal and provide at least one predetermined reference signal to processor (see columns 5-6, lines 53-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky, and Ito et al. by

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combining a database in communication with processor to store at least one predetermined reference signal to monitor a force or current of the power system when there is an obstruction element.

Also, as per claims 14-15, Lu et al. disclose an occupant sensor, said occupant sensor configured to provide a first occupant present signal to processor, first occupant present signal indicative of an occupant being in a cockpit of automobile, wherein occupant sensor is one of a motion sensor and a pressure sensor (see column 4, lines 22-32).

7. Claims 16-21, 34, and 36-38, are rejected under 35 U.S.C.103(a) as being unpatentable over Brodsky (5,654,615), Ito et al. (6,426,604), and Lu et al. (5,539,290) as applied to claims 1, and 14 above, and further in view of Zhang et al. (6,169,379).

As per claim 16, Brodsky, Ito et al., and Lu et al. do not disclose provide a motor cease operation signal to motor in response to first occupant present control signal. However, Zhang et al. disclose provide a first occupant present control signal to automatic power system control unit in response to first occupant present signal, automatic power system control unit further configured to provide a motor cease operation signal to motor in response to first occupant present control signal, motor configured to control the positioning of at least one of automatic power roof system and automatic power windows system in response to first occupant present signal (see columns 1-2, lines 46-22; and column 3, lines 5-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky, Ito et al., and Lu et al. by combining provide a motor cease operation signal to motor in response to first occupant present control signal to disable the power window or roof control of vehicle when the obstruction is a child's arm are being caught.

As per claim 17, Zhang et al. disclose occupant sensor is configured to provide a second occupant present signal to processor, second occupant present signal indicative of an occupant being in the cockpit of automobile (see columns 4-5, lines 30-10).

As per claim 18, Brodsky, Ito et al., and Lu et al. do not disclose a timer to receive first and second occupant present signals. However, Zhang et al. disclose a timer in communication with processor, timer configured to receive first and second occupant present signals from processor, timer configured to provide an occupant present reference signal to processor (see columns 8-10, lines 57-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky, Ito et al., and Lu et al. by combining a timer to receive first and second occupant present signals to monitor the occupant's present in the vehicle to control the power window or power roof system to activate.

As per claims 19-20, Zhang et al. disclose processor is further configured to receive occupant present reference signal and compare occupant present reference signal to at least one predetermined reference signal, at least one predetermined reference signal being a predetermined occupant present reference data stored in database, predetermined occupant present reference data representative of the duration during which no occupant is detected in cockpit by occupant detection sensor, and processor is configured to provide an occupant present control signal in response to comparison of occupant present reference signal to at least one predetermined reference signal (see columns 7-8, lines 14-14).

Also, as per claim 21, Zhang et al. disclose processor is configured to provide occupant present signal to automatic power automatic power system control unit, automatic power automatic power system provide an occupant motor control signal to motor in response to

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second occupant present control signal, motor configured to control the positioning of at least one of automatic power roof system and automatic power windows system in response to second occupant present control signal (see columns 7-8, lines 14-14).

As per claims 34, and 38, Brodsky, Ito et al., and Lu et al. do not disclose an in-operation indicator for providing notification of automatic power system operation. However, Zhang et al. disclose an in-operation indicator for providing notification of automatic power system operation, and in-operation indicator comprises at least one of an automobile lighting system, automobile horn, and automobile alarm system. (see columns 2-3, lines 57-58; and columns 13-14, lines 48-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky, Ito et al., and Lu et al. by combining an in-operation indicator for providing notification of automatic power system operation to provide safety for vehicle occupant when a child is present in the vehicle.

As per claim 36, Zhang et al. disclose notification is provided at predetermined intervals (see columns 8-9, lines 57-26).

As per claim 37, Zhang et al. disclose notification is provided intermittently (see columns 25-26, lines 43-51).

8. Claim 31, is rejected under 35 U.S.C.103(a) as being unpatentable over Brodsky (5,654,615) in view of Porter et al. (5,825,147).

As per claims 31, Brodsky does not disclose audible and visual notification. However, Porter et al. disclose providing an in-operation indicator for providing notice of the operation of the power control system, wherein the in-operation indicator provides at least one of audible and visual notification (see column 7, lines 13-57). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to modify the teach of Brodsky by combining providing an in-operation indicator for providing notice of the operation of the power control system, wherein the in-operation indicator provides at least one of audible and visual notification to alert the operator in monitoring controlling operation of power window or roof of vehicle system.

9. Claim 35, is rejected under 35 U.S.C.103(a) as being unpatentable over Brodsky (5,654,615), Ito et al. (6,426,604), Lu et al. (5,539,290), and Zhang et al. (6,169,379) as applied to claim 34 above, and further in view of Porter et al. (5,825,147).

As per claims 35, Brodsky does not disclose audible and visual notification. However, Porter et al. disclose audible and visual notification (see column 7, lines 13-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Brodsky by combining providing an audible and visual notification to alert the operator in monitoring controlling operation of power window or roof of vehicle system.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Bingle et al. (US 2003/0102688 A1)

. Yaguchi (5,166,586)

. Boisvert et al. (6,064,165)

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner
Dalena Tran



September 29, 2005